

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Engleberth Road, 1665 ft.
S of Holly Neck Road * ZONING COMMISSIONER
1211 Engleberth Road
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District
Robert H. Scott, Sr., et ux * Case No. 95-491-A
Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 1211 Engleberth Road in the Eagles Nest Point Subdivision of Baltimore County. Variance relief is requested from Sections 400.2 and 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (detached garage) with a height of 27 ft., and a street setback of 14 ft., in lieu of the required 15 ft. and 75 ft. to the street centerline, respectively. The requested relief and subject property are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was the Petitioner/co-property owner, Robert H. Scott. Also present was Patrick O'Keefe Sr., the builder of the subject structure. There were no interested persons or Protestants present.

Testimony and evidence presented was that the subject lot is a waterfront property located on Browns Cove adjacent to Middle River. The site is .2 acres in area and is zoned R.C.5. The property is owned by Robert H. Scott and Harriet L. Scott, his wife. The property is improved with an existing single family dwelling. Previously, the garage was located on the site, however, that dilapidated building has been razed. The Petitioner proposes constructing a new garage, which will be 30 ft. x 30 ft. in dimension. The proposed new garage will contain a loft and will be 27 ft. in height.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

The variances are necessary due to the proposed height and the location of the garage. As to the height, the Petitioner proposes constructing a building of 27 ft. in height, which is in excess of the 15 ft. requirement. In this regard, testimony was that the Petitioner desires to finish the garage with a pitched roof consistent with the pitch of the roof of the house and other structures in the neighborhood. Also, a second floor (loft) is necessary to accommodate the Petitioner's hobby. He indicated that he lifts weights and needs to store exercise equipment within the loft.

The determination for the location of the garage is driven by the location of the previous garage and vehicular access from Engleberth Road. As noted above, this is a waterfront property and strict adherence to the street setback requirements is not possible due to the location of the house and the narrowness of the lot. The Petitioner indicated that the bottom floor of the garage will contain storage area for his two automobiles.

The Petitioner also testified that the existing single family dwelling is quite small and cannot be enlarged. He indicated that the garage will not be used for dwelling purposes nor would commercial or business activities be conducted therefrom. The Zoning Plans Advisory Committee (ZAC) comments from reviewing agencies of Baltimore County did not oppose the request. The Department of Environmental Protection and Resource Management (DEPRM) does require that the amount of impervious area be limited, consistent with the Chesapeake Bay Critical Area standards. DEPRM's comment dated July 26, 1995, will be attached hereto as a condition of the approval.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the

9/11/95
M. G. G. G.

relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (BCZR) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of September 1995, that a variance from Sections 400.2 and 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (detached garage) with a height of 27 ft., and a street setback of 14 ft., in lieu of the required 15 ft. and 75 ft. to the street centerline, respectively, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. There shall be no commercial or business activity conducted from the garage and that same shall be used only for purposes accessory to the residential character of the lot.

4. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated July 26, 1995, attached hereto and made a part thereof.

5. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

6. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

ORDER RECEIVED FOR FILING
Date 7/16/95
By Mr. Spack

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 11, 1995

Mr. and Mrs. Robert H. Scott
1211 Engleberth Road
Baltimore, Maryland 21221

RE: Case No. 95-491-A
Petition for Zoning Variance
Location: 1211 Engleberth Road

Dear Mr. and Mrs. Scott:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

MICROFILMED





Petition for Variance

95-491-A
to the Zoning Commissioner of Baltimore County

for the property located at #1211 ENGLEBERTH ROAD
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.2 1A04.3.B.3

To allow an accessory structure (detached garage) with a height of 27 feet & a street setback of 14 feet in lieu of the required 15 feet and 75 feet (to street centerline) respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

OWNER IS A WEIGHT LIFTER AND NEEDS ROOM IN THE LOFT AREA OF GARAGE TO EXERCISE.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted

PATRICK H. O'KEEFE

Name

523 PENNY LANE

666-5366

Address

COCKEYSVILLE, MD 21030

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

6/23/95



Printed with Soybean Ink
on Recycled Paper



SCOTT PROPERTY

482
95-491-A

ZONING DESCRIPTION FOR

1211 ENGLEBERTH ROAD

Election District

15

(address)

Councilmanic District

7

Beginning at a point on the

WEST

side of

(north, south, east or west)

ENGLEBERTH ROAD

which is

TWENTY FEET

(street on which property fronts)

(number of feet of right-of-way width)

wide at a distance of

1665 FEET SOUTH

of the

(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street

HOLLY NECK ROAD

(name of street)

which is

THIRTY FEET

wide.

*Being lot # 13

(number of feet of right-of-way width)

Block

, Section #

A & B

in the subdivision of

EAGLES NEST POINT

(name of subdivision)

as recorded in Baltimore County Plat

Book #

8

, Folio #

70

, containing

0.28 ACRES

(square feet and acres)

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-491-A

District 15th

Date of Posting 7/15/95

Posted for: Variations

Petitioner: Robert & Harriet Scott

Location of property: 1211 Englebeth Rd. W/L

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by W. H. H. H.
Signature

Date of return: 7/21/95

Number of Signs: 1

RECEIVED

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-491-A
(Item 482)

1211 Engleberth Road,
W/S Engleberth Road,
1666' S of Holly Neck Road
18th Election District
5th Councilmanic
Legal Owner(s):

Robert H. Scott and Harriet L. Scott

Hearing: Wednesday,
August 2, 1995 at 2:00
p.m. in Rm. 106, County Office Building.

Variance to allow an accessory structure (detached garage) with a height of 27 feet and a street setback of 14 feet in lieu of the required 15 feet and 75 feet (to street centerline) respectively.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations, Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

7/13/1 July 13

TOWSON, MD.,

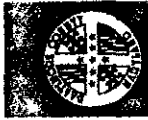
July 14, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 13, 1995.

THE JEFFERSONIAN,

A. Hamilton

LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

75-491-A

Account: R-001-6150

Item Number 482

Taken in by *EP*

Date

6-23-95

Owner: Robt. H. Scott

Site: 1211 Engleberth Rd.

010 ——— Residential Variance filing fee — 50.⁰⁰

080 ——— sign + posting ——— 35.⁰⁰

FILED - PAT O'KEEFE

Total - \$85.⁰⁰

RECEIVED
BALTIMORE COUNTY
ZONING DEPARTMENT
JUN 27 1995

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 482
Petitioner: ROBERT SCOTT 686-8782
Location: # 1211 ENGLEBERTH RD, BALTO. 21221
PLEASE FORWARD ADVERTISING BILL TO:
NAME: ROBERT SCOTT
ADDRESS: # 1211 ENGLEBERTH RD.
BALTO., MD. 21221
PHONE NUMBER: 256-2800

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
July 13, 1995 Issue - Jeffersonian

Please forward billing to:

Robert Scott
1211 Engleberth Road
Baltimore, MD 21221
256-2800

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-491-A (Item 482)
1211 Engleberth Road
W/S Engleberth Road, 1665' S of Holly Neck Road
15th Election District - 5th Councilmanic
Legal Owner(s): Robert H. Scott and Harriet L. Scott
HEARING: WEDNESDAY, AUGUST 2, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to allow an accessory structure (detached garage) with a height of 27 feet and a street setback of 14 feet in lieu of the required 15 feet and 75 feet (to street centerline) respectively.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-491-A (Item 482)
1211 Engleberth Road
W/S Engleberth Road, 1665' S of Holly Neck Road
15th Election District - 5th Councilmanic
Legal Owner(s): Robert H. Scott and Harriet L. Scott
HEARING: WEDNESDAY, AUGUST 2, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to allow an accessory structure (detached garage) with a height of 27 feet and a street setback of 14 feet in lieu of the required 15 feet and 75 feet (to street centerline) respectively.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director
Department of Permits and Development Management

cc: Robert and Harriet Scott
Patrick M. O'Keefe

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

APPROVED FOR THE BOARD OF ZONING ADJUSTMENTS
JUL 11 1995



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 27, 1995

Mr. and Mrs. Robert H. Scott
1211 Engleberth Road
Baltimore, Maryland 21221

RE: Item No.: 482
Case No.: 95-491-A
Petitioner: R. H. Scott, et ux

Dear Mr. and Mrs. Scott:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 23, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: July 26, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 1211 Engleberth Road

INFORMATION:

Item Number: 482

Petitioner: Scott Property

Property Size: _____

Zoning: RC-5

Requested Action: Variance

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a garage height of 27 feet with a front setback of 14 feet in lieu of the required 15 feet and 75 feet, respectively.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Kern

PK/JL



Maryland Department of Transportation
State Highway Administration

Hal Kassoff
Administrator

7-7-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County

Item No.: 482 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: July 24, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: *RWB* Zoning Advisory Committee Meeting
for July 17, 1995
Items 479, 481, 482, 483, 484, 487, 488, 489, 12
490, 491, ~~492~~, ~~493~~, 495 and 496

The Development Plans Review Division has reviewed
the subject zoning item and we have no comments.

RWB:sw

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/13/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JULY 10, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 478,479,480,481,482,
484,487,488,490,491,492,493 AND 495. 12

RECEIVED

JUL 18 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

MICROFILMED



8/2
95-491A

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #482 - Scott Property
1211 Engleberth Road
Zoning Advisory Committee Meeting of July 10, 1995

July 26, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

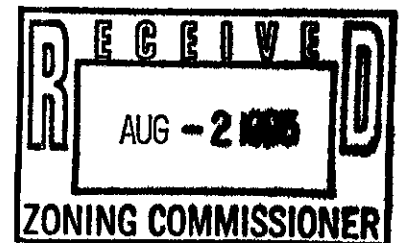
Redevelopment of the property must comply with Chesapeake Bay Critical Area Regulations by meeting the following conditions:

The sum of all man-made impervious areas shall not exceed 25% of the lot. Current impervious surfaces equal 1554 square feet or 11.6% of the lot. The proposed detached garage with associated proposed driveway and sidewalks cannot exceed 1769 square feet.

✓
JLP:KK:sp

c: Robert H. and Harriet C. Scott

SCOTT/DEPRM/TXTSBP



RE: PETITION FOR VARIANCE
1211 Engleberth Road, W/S Engleberth Rd,
1665' S of Holly Neck Road, 15th
Election District, 5th Councilmanic

Robert H. and Harriet L. Scott
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-491-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 1995, a copy of the foregoing Entry of Appearance was mailed to Patrick M. O'Keefe, 523 Penny Lane, Cockeysville, MD 21030, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Robert H Scott Sr.
Patrick O'Keefe

1211 Emyleberth Rd 21221
523 PENNY LA. COCKEYSVILLE 21030



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

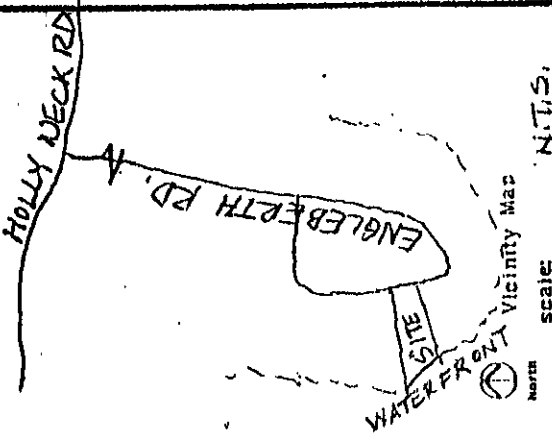
PROPERTY ADDRESS: # 1211 ENGLEBERTH RD.

Subdivision name: EAGLES NEST POINT

plat book# 8, folio# 70, lot# 13, section# A4B

95-491-A

OWNER: ROBERT & HARRIETT SCOTT



LOCATION INFORMATION

Election District: 15

Councilmanic District: 5

1"=200' scale map#: SE 2K

Zoning: RC-5

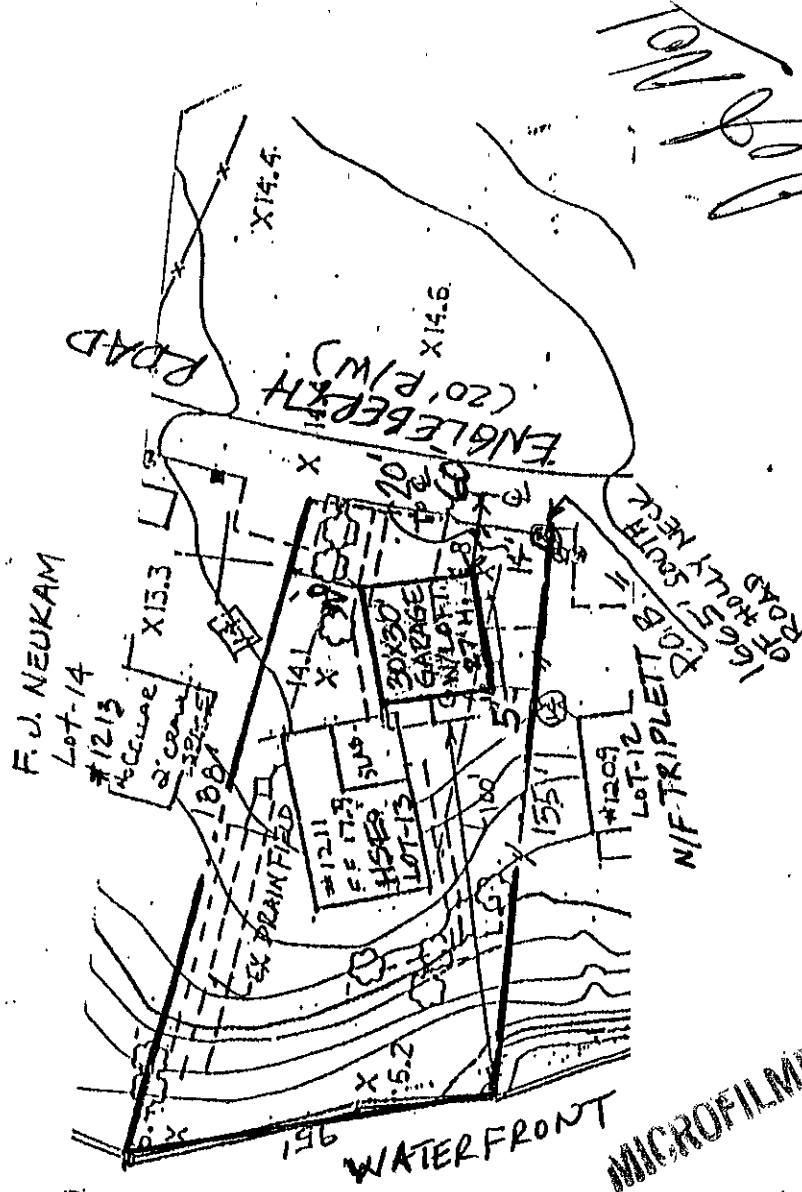
Lot size: 0.28 ACRES

acreage square feet

SEWER: ☐ PUBLIC ☒ PRIVATE
WATER: ☐ PUBLIC ☒ PRIVATE
Chesapeake Bay Critical Area: ☐ YES ☒ NO
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 482 CASE#:



MICROFILMED

(4)

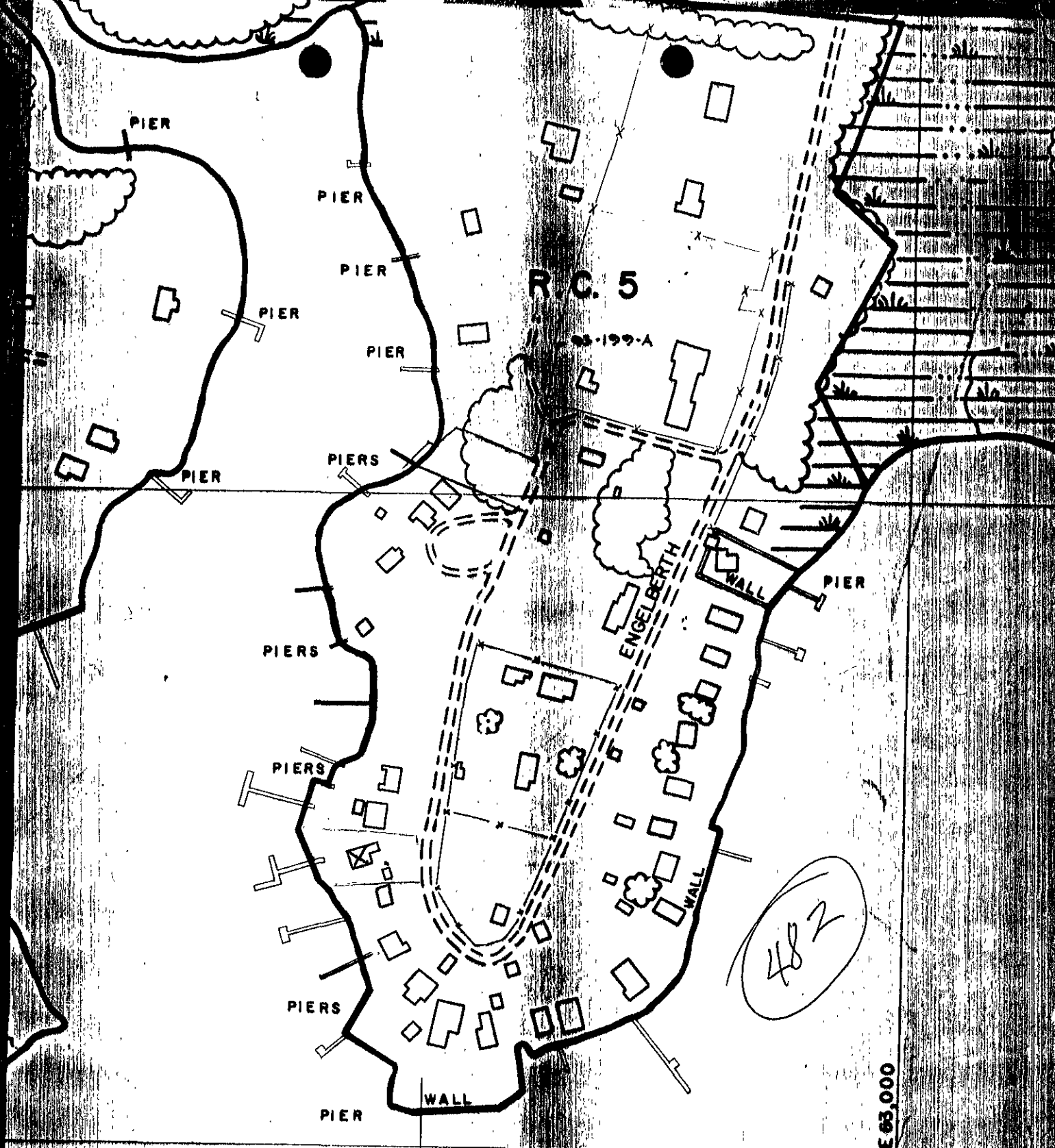
North

date: 6/18/95

prepared by: P.M. O'KEEFE

666-5366

Scale of Drawing: 1"= 50'



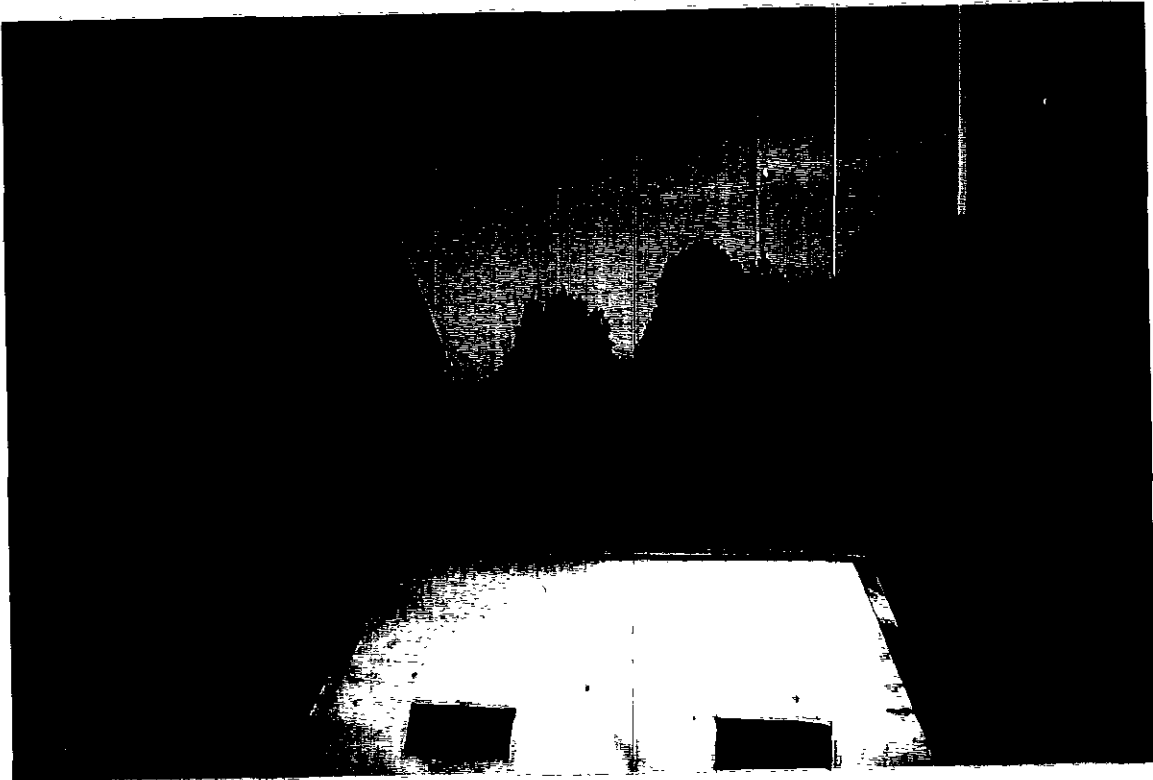
95-491-A

E 63,000

(SHEET B.E. SK)

BALTIMORE CO
OFFICE OF PLANNING
OFFICIAL ZONE

95-491-A



MICROFILMED

95-491-A



NOT RECORDED

95-491-A



RECORDED & INDEXED

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Engleberth Road, 1665 ft. * ZONING COMMISSIONER
S of Holly Neck Road * OF BALTIMORE COUNTY
1211 Engleberth Road *
15th Election District *
5th Councilmanic District *
Robert H. Scott, Sr., et ux * Case No. 95-491-A
Petitioners *
* * * * *

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The variances are necessary due to the proposed height and the location of the garage. As to the height, the Petitioner proposes constructing a building of 27 ft. in height, which is in excess of the 15 ft. requirement. In this regard, testimony was that the Petitioner desires to finish the garage with a pitched roof consistent with the pitch of the roof of the house and other structures in the neighborhood. Also, a second floor (loft) is necessary to accommodate the Petitioner's hobby. He indicated that he lifts weights and needs to store exercise equipment within the loft.

The determination for the location of the garage is driven by the location of the previous garage and vehicular access from Engleberth Road. As noted above, this is a waterfront property and strict adherence to the street setback requirements is not possible due to the location of the house and the narrowness of the lot. The Petitioner indicated that the bottom floor of the garage will contain storage area for his two automobiles.

The Petitioner also testified that the existing single family dwelling is quite small and cannot be enlarged. He indicated that the garage will not be used for dwelling purposes nor would commercial or business activities be conducted therefrom. The Zoning Plans Advisory Committee (ZAC) comments from reviewing agencies of Baltimore County did not oppose the request. The Department of Environmental Protection and Resource Management (DEPRM) does require that the amount of impervious area be limited, consistent with the Chesapeake Bay Critical Area standards. DEPRM's comment dated July 26, 1995, will be attached hereto as a condition of the approval.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the

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relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (BCZR) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of September 1995, that a variance from Sections 400.2 and 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (detached garage) with a height of 27 ft., and a street setback of 14 ft., in lieu of the required 15 ft. and 75 ft. to the street centerline, respectively, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. There shall be no commercial or business activity conducted from the garage and that same shall be used only for purposes accessory to the residential character of the lot.

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4. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated July 26, 1995, attached hereto and made a part thereof.

5. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

6. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmm

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at #1211 ENGLEBERTH ROAD
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owners of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 400.2 and 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (detached garage) with a height of 27 feet & a street setback of 14 feet in lieu of the required 15 feet and 75 feet to the street centerline respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):
RC-5 AREA OF GARAGE TO EXERCISE.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Robert H. Scott
Harriet L. Scott
1211 ENGLEBERTH RD.
BALTO., MD 21221
PATRICK M. O'KEEFE
523 PENNANT LANE
POTOMAC, MD 20854

ESTIMATED LENGTH OF HEARING
unopposed for hearing
the following dates
next two months
ALL OTHER
REVIEWED BY: [Signature] DATE: 4/23/95

SCOTT PROPERTY 95-491-A
ZONING DESCRIPTION FOR #1211 ENGLEBERTH ROAD
Election District 15 Councilmanic District 7

Beginning at a point on the WEST side of
(north, south, east or west)
ENGLEBERTH ROAD which is TWENTY FEET
(street on which property fronts) (number of feet of right-of-way width)
wide at a distance of 1665 FEET SOUTH of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street HOLLY NECK ROAD
(name of street)
which is THIRTY FEET wide, (number of feet of right-of-way width) (number of feet of right-of-way width)

Block Section A 9 B in the subdivision of
EAGLES NEST POINT as recorded in Baltimore County Plat
(name of subdivision)
Book 8 Page 70 containing
0.28 ACRES
(square feet and acres)

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 7/17/95
Posted for: Variance
Petitioner: Robert H. Scott
Location of property: 1211 Engleberth Rd., W/S
Location of Signs: Every 100 ft. on property, including razed
Remarks: [Signature]
Posted by: [Signature] Date of return: 7/18/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 14, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 13, 1995

THE JEFFERSONIAN,
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified hereon, in Room 111 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 at 2:00 PM on Wednesday, August 2, 1995 at 200 Park Dr. in the 11th County Office Building.
Legal Owners: Robert H. Scott and Harriet L. Scott
Hearing: Wednesday, August 2, 1995 at 2:00 PM in Room 111 of the County Office Building.
Variance to allow an accessory structure (detached garage) with a height of 27 feet and a street setback of 14 feet in lieu of the required 15 feet and 75 feet to the street centerline respectively.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (Hearings are held at 2:00 PM unless otherwise specified.)
Commodities: Please Call 800-333-3333
Offer information concerning the site plan hearing, please call 800-333-3333
1/31 July 13

Baltimore County Government
Office of Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
75-491-A
Account: R-01-8190
Item Number: 482
Taken in by: [Signature]

Date: 6-23-95
Owner: Robert H. Scott
Site: 1211 Engleberth Rd.
010 — Residential Variance Filing Fee — 50.00
080 — Sign + Posting — 35.00
Total — 85.00
FILED - PAT O'KEEFE
Total — 85.00
Please Make Checks Payable To: Baltimore County
Cashier Validation

Baltimore County Government
Office of Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 482
Petitioner: ROBERT SCOTT 686-8782
Location: # 1211 ENGLEBERTH RD BALTO 21221

PLEASE FORWARD ADVERTISING BILL TO:
NAME: ROBERT SCOTT
ADDRESS: # 1211 ENGLEBERTH RD.
BALTO, MD 21221
PHONE NUMBER: 256-2800

AJ:ggg (Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

TO: PUTNEY PUBLISHING COMPANY
July 13, 1995 Issue - Jeffersonian

Please forward billing to:
Robert Scott
1211 Engleberth Road
Baltimore, MD 21221
256-2800

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-491-A (Item 482)
1211 Engleberth Road
W/S Engleberth Road, 1665' S of Holly Weck Road
15th Election District - 5th Councilmanic
Legal Owner(s): Robert H. Scott and Harriet L. Scott
HEARING: WEDNESDAY, AUGUST 2, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to allow an accessory structure (detached garage) with a height of 27 feet and a street setback of 14 feet in lieu of the required 15 feet and 75 feet (to street centerline) respectively.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-491-A (Item 482)
1211 Engleberth Road
W/S Engleberth Road, 1665' S of Holly Weck Road
15th Election District - 5th Councilmanic
Legal Owner(s): Robert H. Scott and Harriet L. Scott
HEARING: WEDNESDAY, AUGUST 2, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to allow an accessory structure (detached garage) with a height of 27 feet and a street setback of 14 feet in lieu of the required 15 feet and 75 feet (to street centerline) respectively.

Arnold Jablon
Arnold Jablon
Director
Department of Permits and Development Management

cc: Robert and Harriet Scott
Patrick M. O'Keefe

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 27, 1995

Mr. and Mrs. Robert H. Scott
1211 Engleberth Road
Baltimore, Maryland 21221

RE: Item No.: 482
Case No.: 95-491-A
Petitioner: R. H. Scott, et ux

Dear Mr. and Mrs. Scott:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 23, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: July 26, 1995
FROM: Pat Keller, Director, OPZ
SUBJECT: 1211 Engleberth Road

INFORMATION:
Item Number: 482
Petitioner: Scott Property
Property Size:
Zoning: RC-5
Requested Action: Variance
Hearing Date: 7/1

SUMMARY OF RECOMMENDATIONS:
The applicant requests a variance to permit a garage height of 27 feet with a front setback of 14 feet in lieu of the required 15 feet and 75 feet, respectively.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: *Jeffrey W. Long*
Division Chief: *Gary L. Kern*
PK/JL

ITEM482/PZONE/ZAC1

Maryland Department of Transportation
State Highway Administration
Hal Kassoff
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 482 (JWS)

7-7-95

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 24, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 17, 1995
Items 479, 481, 482, 483, 484, 487, 488, 489, 12
490, 491, 492, 493, 495 and 496

The Development Plans Review Division has reviewed the subject zoning item and we have no comments.

RWB:ew

